

Amendment
Serial No. 10/805,790

IN THE DRAWINGS

Please replace FIG. 2B with the Replacement Sheet FIG. 2B:

REMARKS

Claims 1-10 are pending in the application. Claims 11-17, contained in the original application, are canceled without prejudice and a disclaimer. Claims 1-5 stand rejected. Claim 1 and 7 are independent claims.

Drawings stand objected under 37 CFR 1.83(a), for allegedly failing to illustrate “the first and second mask patterns and the first, second, and third windows are formed in parallel to (100) to crystalline plane of the semiconductor substrate,” as recited in claim 2.

In response, the Applicant submits a replacement sheet FIG. 2B that illustrate the first and second mask patterns and the first, second, and third windows being parallel to (100) surface plane of the semiconductor substrate, as recited in claim 2. The Applicant respectfully submits that it well known in the art of semiconductor and crystallography that the lower surface of the InP substrate is (100) plane.

The Applicant also submits the Replacement Sheet FIG. 3 to correct a minor error contained in the figure.

Further, the Applicant also amends claims 1, 3, and 7 to **harmonize** the first, second, and third window areas disclosed in the claims to the first, second, and third window areas disclosed in the DETAILED DESCRIPTION OF THE INVENTION and FIG. 2 and 4.

The Applicant respectfully submits that in the process of harmonizing the descriptions of the first, second, and third window areas, no new matter has been added to each of claims 1, 3, and 7 (see the support for the window adjacent to the first mask pattern comprising second and third window areas in FIG. 2 and 4), nor has any feature from the original claims 1, 3, and 7 been deleted. As such, the Applicant submits that the features related to the first, second, and third window areas have not been narrowed.

The Applicant wishes to thank the Examiner for indicating that claims 7-10 are allowable. Although claim 7 has been amended as noted above, the Applicant believes that claim 7 is patentable. As such, the Applicant respectfully requests passage of claim 7.

In addition, the Applicant wishes to thank the Examiner for indicating that claim 6 would be allowable if rewritten as an independent claim incorporating all features of the base and any intervening claim.

In response, the Applicant has incorporated all features of claim 6 into claim 1. As such, the Applicant submits that claim 1, as amended, is patentable over Itagaki *et al.* (U.S. 5,728,215) ("Itagaki"). The Applicant respectfully requests passage of claim 1.


Other claims in this application are each dependent on the independent claims 1 and 7 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

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Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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(Signature and Date)